

**Michigan Department of Environmental Quality
Waste and Hazardous Materials Division**

INSTRUCTIONS FOR: PERMIT TO CONSTRUCT A SOLID WASTE DISPOSAL AREA

Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, requires that a person proposing the establishment of a disposal area shall make application for a construction permit on a form provided by the Department of Environmental Quality (DEQ). The DEQ's form EQP 5506 contains two pages. The first page is the application form itself while page two is the CONSTRUCTION PERMIT APPLICATION FEE WORKSHEET. Light shading is used where instruction is given or information listed. Dark shading is used where no response is to be recorded.

The following instructions are included to assist the applicant in completing form EQP 5506. If additional help is needed, please contact your local health officer or the Waste and Hazardous Materials Division (WHMD) District Office. (Map of District Offices is attached.)

SECTION I. FACILITY NAME AND LOCATION

A solid waste disposal area includes landfills, processing plants, solid waste transfer stations, waste piles, and surface impoundments. (NOTE: Two or more disposal areas may be combined into one facility. If a separate permit for each disposal area is desired, then a separate application must be submitted for each individual disposal area.)

The NAME OF FACILITY is the legal name of the solid waste disposal area proposed to be constructed **as recorded by the applicant**. This name shall be used as the NAME OF FACILITY in all subsequent applications for licensing and/or permitting **and by WHMD on subsequent licenses and permits as well as for internal administrative purposes**. **The NAME OF FACILITY, can be changed by submitting a written request to the District Office or noting the name change on an application for license renewal.** The ADDRESS (including the CITY, STATE, and ZIP CODE) is the street address of the facility and not the legal description, or mailing address. The legal description will be included as one of the attachments in "SECTION VIII, FEE AND APPLICATION DOCUMENTS." If a TELEPHONE number is not established for the facility, (most likely in the case of an application for a greenfield site), indicate by recording "N/A" in the check box.

SECTION II. FACILITY OWNER/APPLICANT

In the space titled LEGAL NAME OF FACILITY OWNER/APPLICANT, record the name of the individual, partnership, corporation, association, governmental entity, or other legal entity who owns or will own the facility. NOTE: The Facility Owner is to whom the permit will be granted (i.e., will become the permittee.) The applicant's address is the residential mailing address for an individual and the business mailing address for all other entities. The "REPRESENTATIVE OF FACILITY OWNER" is the individual whom is authorized by the FACILITY OWNER to speak and act on their behalf and is who WHMD would contact if there were subsequent questions relative to the "FACILITY OWNER". The PERSON PREPARING APPLICATION is the person who most likely completed the application and whom we would call if there were subsequent questions relative to the application. Frequently, the "FACILITY OWNER (RESPONSIBLE PARTY)" and the PERSON PREPARING APPLICATION are the same person. If this is the case, record duplicate information in both lines.



SECTION III. PROPERTY OWNER(S)/MINERAL RIGHTS OWNER(S)

In the space titled PROPERTY OWNER/MINERAL RIGHTS OWNER, record the name of the individual, partnership, corporation, association, governmental entity, or other legal entity who owns the property and mineral rights.

If the PROPERTY OWNER has a CONTACT PERSON, record that person's name in the field titled "CONTACT PERSON" otherwise record "N/A" in this area. The TELEPHONE, ADDRESS, CITY, STATE, and ZIP CODE are those of the CONTACT PERSON(S), if listed, otherwise, they will be those of the PROPERTY OWNER.

If the PROPERTY OWNER/MINERAL RIGHTS OWNER are not the same person or if there is more than one owner, please indicate so in the first line for SECTION III by typing "See attached Owners List". Identify all PROPERTY OWNERS [and what they own (property and/or mineral rights)]. Record also the CONTACT PERSON if different from each PROPERTY or MINERAL RIGHTS OWNER and the TELEPHONE, ADDRESS, CITY, STATE, and ZIP CODE of each PROPERTY OWNER/MINERAL RIGHTS OWNER or CONTACT PERSON on the "attached Owners List."

The owner means any person with an ownership interest in the solid waste disposal area including both the disposal area and the property on which it sits. For a "greenfield" application, the owner is most likely the person who owns the property. For an application for expansion or change, the owner may be more than one person.

SECTION IV. APPLICATION TYPE

Check each applicable check box in Section IV. The four check boxes in the top row are related to the type of facility. The four check boxes in the bottom row are related to the type of application. Check at least one check box in each row. More than one check box may be checked in each row.

Check boxes in the top row include:

- ☐ "New Disposal Area" includes all of the following:
- (i) A disposal area, other than an existing disposal area, that is proposed for construction.
 - (ii) For landfills, a lateral expansion or vertical expansion of an existing disposal area.
 - (iii) For disposal areas other than landfills, an enlargement in capacity beyond that indicated in the construction permit or in engineering plans approved before January 11, 1979.
 - (iv) For all disposal areas, an alteration of an existing disposal area to a different disposal area type than had been specified in the previous construction permit application or in engineering plans that were approved by the Director, or his or her designee, before January 11, 1979.

(NOTE: Unless the application is a renewal, a re-submittal, or a modification, most applications will have checked this check box.)



- ☐ "Lateral Expansion" means a horizontal expansion of the solid waste boundary of a landfill beyond the limit established in a construction permit or engineering plans approved by the solid waste control agency prior to January 11, 1979. (NOTE: This check box is applicable to landfills only. If this check box is checked, then the "New Disposal Area" check box will also be checked.)
- ☐ "Vertical Expansion" means a vertical expansion of the solid waste boundary (increase in design capacity) of a landfill beyond the limit established in a construction permit or engineering plans approved by the solid waste control agency prior to January 11, 1979. (NOTE: This check box is applicable to landfills only. If this check box is checked, then the "New Disposal Area" check box will also be checked.)
- ☐ "Change in Disposal Type" means either changing the disposal area type from one type to another or adding an additional disposal area type to the facility.

Check boxes in the bottom row include:

- ☐ "New Application" is the first time that an application is made for a solid waste disposal area.
- ☐ "Renewal Application" is the renewal of a construction permit which has expired.
- ☐ "Re-submittal" is the subsequent application for a construction permit after the application was denied or withdrawn. (NOTE: Within 12 months after a permit denial or withdrawal, an applicant may resubmit the application and the refunded portion of the fee, together with the additional information as needed to address the reasons for denial, without being required to pay an additional application fee.)
- ☐ "Modification" is a change to the design of the facility that is neither an up-grade nor results in an increase in design capacity. (NOTE: Increases in final elevations that do not result in an increase in design capacity or a change in the solid waste boundary are a modification and not a vertical expansion.) (NOTE: An up-grade or product equivalency determination **does** need DEQ approval, but does not need to go through the construction permit process, i.e., filling out of this form.)

SECTION V. TYPE OF DISPOSAL AREA

This section describes both what is currently at the facility and what this application will add or modify. Check each applicable check box for each TYPE OF DISPOSAL AREA that is, or will be, at the facility. There are three columns of check boxes. The left column is for the TYPE OF DISPOSAL AREA. The right two columns give information about each TYPE OF DISPOSAL AREA that was checked. For each check box that is checked in the left column, check at least one check box in the right two columns (Permitted or Proposed.) The "Permitted" column describes what type(s) of disposal areas are currently at the facility; The "Proposed" columns describes what type(s) of disposal areas will be at the facility as a result of the application. Both check boxes may be checked. As an example, in the case for any expansion, both check boxes in the right two columns will be checked. (NOTE: Two or more disposal areas may be combined into one facility. If a separate permit for each disposal area is desired, then a separate application needs to be made for each individual disposal area.)



SECTION VI. FACILITY AREA

This section describes both what is currently at the facility and what this application will add or modify. Check each applicable check box for each FACILITY AREA that is, or will be, at the facility. [NOTE: This section is similar to the "Facility Area Summary Sheet" contained in the Application for a License to Operate a Solid Waste Disposal Area. For landfills, the sum of the areas (exclusive of 'Vertical Expansion') should equal the 'Facility Area.']

The "Facility Area" is all property areas delegated to the facility by this permit application and is accumulative with previous applications for this facility. **Facilities other than landfills need only record the acreage under "Facility Area"**. Landfills need to record the acreage in each applicable line. If a line does not apply, record "N/A."

"Facility" means a solid waste disposal area, as defined in the provisions of R 299.4106a of the administrative rules promulgated under Part 115.

"Solid Waste Disposal Area" means the disposal area that is approved in a construction permit or engineering plan approved by the solid waste control agency before January 11, 1979, and all contiguous property that is owned by the same person which is or has been used in association with the disposal of solid waste. Examples of property that is, or has been, used in association with the disposal of solid waste include all of the following:

- (i) Soil borrow areas.
- (ii) Closed disposal areas and open dumps.
- (iii) Stormwater retention ponds.
- (iv) Recyclable material storage.
- (v) Composting facilities.
- (vi) Office buildings associated with the disposal area.
- (vii) Landscaping and screening.
- (viii) Ancillary access roads.

The check boxes under LANDFILLS LAND USE describe various sub-areas of the facility; it is likely that there may be some 'overlap' of these areas. The first three check boxes are "Lateral Expansion," "Vertical Expansion" and "New Disposal Area."

"Lateral Expansion" means a horizontal expansion of the solid waste boundary of a landfill beyond the limit established in a construction permit or engineering plans approved by the solid waste control agency before January 11, 1979.

"Vertical Expansion" means the landfilling of solid waste above the elevations indicated in the construction permit or in engineering plans approved for the landfill unit by the solid waste control agency before January 11, 1979. Increases in elevation approved by the director are not new disposal areas if the volume of waste to be disposed of is not expanded beyond the volume previously approved and if the expansion is in compliance with the act and these rules.

By definition, a "Lateral Expansion" and/or a "Vertical Expansion" can only occur at an 'existing disposal area'. Also by definition, both "Lateral Expansion" and "Vertical Expansion" are also a "new unit" ("New unit" means any landfill unit that has not received solid waste before October 9, 1993) **and** a "New Disposal Area."



"New disposal area" means a disposal area that requires a construction permit under the act and includes all of the following:

- (i) A disposal area, other than an existing disposal area, that is proposed for construction.
- (ii) For landfills, a lateral expansion, vertical expansion, or other expansion that results in an increase in the design capacity of an existing disposal area.
- (iii) For disposal areas other than landfills, an enlargement in capacity beyond that indicated in the construction permit or in engineering plans approved before January 11, 1979.
- (iv) For all disposal areas, an alteration of an existing disposal area to a different disposal area type than had been specified in the previous construction permit application or in engineering plans that were approved by the director or his or her designee before January 11, 1979.

However, the third check box of this section, "New Disposal Area" is meant to cover a more specific subset of "New Disposal Area," that is only those proposed areas at a landfill that are either a new unit at a 'green field' site or a new unit at an existing landfill that is neither a horizontal nor vertical expansion (i.e., both separated horizontally from previous fill and not overlying previous fill).

"Isolation and Ancillary Area" is all of the area of the FACILITY that is not included in the other seven descriptions. It is all of the area of the Facility that has not and will not receive solid waste (*unless there is a future permit change*). This area includes all areas used for isolation and all ancillary areas such as access roads, equipment storage, areas for soil borrow, et cetera.

The final check box category, "Current Solid Waste Unit(s) or Portion of Unit(s) on site" is meant to include all current areas that have received waste or are authorized by and existing permit to receive waste.

SECTION VII. DESIGN CAPACITY

Record the appropriate CAPACITY in each of the spaces provided. If the facility is not a landfill, record "N/A" in the first three lines in this section and indicate the appropriate capacity in the "Other Disposal Areas Capacity" line. If the facility is a landfill that does not include either a Transfer Facility or Processing Plant, record "N/A" in the "Other Disposal Areas Capacity" line. "Proposed New" means the new capacity being added. Due to space limitations of the form and brevity, a space for 'total capacity' and 'total years remaining' were not included. However both 'totals' can easily be calculated through addition.

SECTION VIII. FEE AND APPLICATION DOCUMENTS

Each line of this section requires a response regardless of the type of facility.

Attach a *copy* of the "CONSTRUCTION PERMIT APPLICATION FEE WORKSHEET/TABLE" and check the **Attached** checkbox. Similarly, attach a *copy* of the Application Fee check, check the **Attached** checkbox, and, in the space titled "Amount \$_____" enter the amount of the "APPLICATION FEE TOTAL" from the "APPLICATION FEE WORKSHEET/TABLE." (Page 2 of 2 of this Application).

NOTE: The procedure for the submittal of checks and direct financial assurance payment is new. The original WORKSHEET and FEE are to be sent to the Cashiers Office per the

instruction on the WORKSHEET; a copy of each is to be submitted as an attachment to the application.

“Administrative Completeness Worksheet.” Attach the “ADMINISTRATIVE COMPLETENESS WORKSHEET” and check the “ADMINISTRATIVE COMPLETENESS WORKSHEET” check box. Administrative Completeness Worksheets for Type II and Type III Landfills are currently available from the district office. Administrative Completeness Worksheets are not yet available for Transfer Facilities nor Processing Plants; Transfer Facilities and Processing Plants will check the “N/A” check box.

“Facility Map.” Include a Facility Map and check the “Attached” check box. The “Facility Map” should be submitted on an 8.5” x 11” sheet and contain the pertinent features of the site including the boundaries of the facility, solid waste boundary, et al., as shown on the engineering drawings.

“Facility Legal Description.” Include the “Facility Legal Description” of the facility and a schematic depicting the boundaries of the facility. Also, check the “Attached” check box.

“Description of waste type(s) to be handled.” Type III landfills, Transfer Facilities, and Processing Plants will include the “description of waste type(s) to be handled”. Check the “Attached” check box. Municipal Solid Waste Landfills and Municipal Solid Waste Incinerator Ash Landfills will check the “N/A” check box as these facility waste streams are established by definition.

“Documentation regarding consistency with Sec. 11511a.” Enrolled Senate Bill No. 506, effective March 26, 2004 include restrictions on the issuance of construction permits to landfills. The bill includes four exemptions; a flow chart is attached to assist you in making your determination. If you are applying for a construction permit a landfill applying for prior to January 1, 2006, then you must:

- (i) Meet one of the four exemptions,
- (ii) Attach documentation demonstrating how the landfill meets that exemption, and,
- (iii) Check the “Attached” check box.

Facilities that are not a landfill will check the “N/A” check box only.

CERTIFICATION SIGNATURE SECTION

Both the FACILITY OWNER (who will be the PERMITTEE) and PROPERTY OWNER(s) must sign the application. If an individual is signing on behalf of the APPLICANT or the PROPERTY OWNER(s), check the “as agent for” check box to certify that he or she is fully authorized by that person(s) to make this application. If you are signing as an agent for either the facility owner or property owner, please provide documentation establishing your authority to act on their behalf.

MISCELLANEOUS

If the application is for a disposal area in Wayne County, return the completed application, copy of the application fee, and all attachments need to the DEQ through Wayne County Department of Environment. All other disposal area(s) should return the completed application, copy of the application fee, and all attachments directly to the DEQ through the WHMD District.